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Governor

NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

(Nebraska Crime Commission)

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MINUTES OF THE CRIME VICTIM'S REPARATIONS COMMITTEE

May 6, 2016

The Crime Victim's Reparations (CVR) Committee met on Friday, May 6, 2016 at 1:00 pm in the Crime Commission conference room, Nebraska State Office Building, 14th & M Streets, Lincoln, Nebraska. A legal notice of the meeting was published in the Lincoln Journal Star on April 22, 2016. An agenda of this meeting was available for public inspection during normal office hours at the Crime Commission office, Nebraska State Office Building, Lincoln, Nebraska.

CALL TO ORDER

The meeting was called to order at 1:02 pm by Rand Hansen, Acting Chair. The following members were present: JoAnna Briggs, Jeff Davis, Rand Hansen, Rita Sanders, Michelle Schindler, and Brian Wachman. The following members were excused: Joe Kelly and Fred Ruiz. Staff present: Bruce Ayers, Sher Schrader, Mary Thomason, and David Stolz.

APPROVAL OF MINUTES

A motion was made by Davis and seconded by Schindler to approve the minutes of the October 16, 2015 meeting. Motion carried by acclamation.

APPEALS

Claim #8-15-3681 and Claim #8-15-3682

Schrader reviewed the case and submitted information. The claims are on behalf of the minor children of the deceased victim for loss of support. The claimant is the ex-wife of the deceased, mother of the minor children.

Agency legal counsel David Stolz entered at 1:08 pm.

Discussion ensued between CVR Committee Members and CVR Staff regarding applicable rules and statutory requirements of the program in reference to loss of support. This included what the program has done historically. In addition, questions were asked and answered regarding documentation provided or not able to be provided by the claimant, the options available for the claimant to appear before the Committee, and various scenarios where loss of support comes into play.

The Committee placed a call to the claimant at 1:22 pm.

Acting Chairman Hansen introduced himself. The Committee introduced themselves.

The claimant was sworn in by the Acting Chairman Hansen. Hansen asked the claimant to tell the Committee about why she has filed an appeal.

Claimant stated she had quite a few conversations with the Hearing Officer after the denial decisions regarding loss of support and that she sent quite a bit of information in regarding her case. She stated she was told her case was unique and that he had not dealt with a case similar to this one with the amount of arrearages, etc. Claimant stated that with the exception of 2015, the year the victim was killed, he was paying child support, but that the arrearage had built up over the last 16 years. She stated that he was garnished; he would get jobs, and then would lose his job. Claimant stated that she had previously dealt with Governor Heineman's office. The child support office would take 90 days to enforce the order. She stated that she would be the one sending the child support office the victim's employer information. She stated that over the last 18 months she had dealt with Governor Rickett's office as well. She stated the child support office was backlogged, didn't intercept his wages right away, and she received one payment in June 2015 after the victim's death. She stated that the Governor's office provided CVR information to her. She stated that there was no will and life insurance and the children were left with nothing. Claimant stated that the State of Nebraska told her that they couldn't enforce Colorado court's order that the victim have life insurance.

Hansen asked if claimant provided the Hearing Officer with any documentation that showed what child support payments the victim had been making.

Claimant stated she sent the Hearing Officer all of the history. She stated that the Hearing Officer said that it wasn't clear that it was a consistent thing that payments were being made, and suggested that she appeal to the Committee, and that the documentation was sent to him.

Hansen asked if the victim was employed at time of death and who was his employer.

Claimant stated that the victim was employed but doesn't have information in front of her, but that she could provide it; he was the VP of sales for a telecommunications company. She stated that he was not employed in January; he was employed in February according to his LinkedIn page and earning a six figure salary. She stated that she forwarded that information to the child support office in Omaha, and was told they would get on it. She stated she was told that there is a backlog, typically 90 days to catch up. She stated that the victim's sister indicated he was employed as bartender part-time as well. She also said the victim's sister sent her W2's for the bartending job.

Davis asked the claimant if the victim's wages were garnished in 2015.

Claimant stated that payments were coming through Nebraska Child Support office because of the garnishment. She stated he was garnished all of 2015 and that he didn't lose his job until December and that there was a lag in 2014 of three months where she did not get payment.

Davis asked the claimant how much the child support payments were that she had been receiving.

Claimant stated the payments were close to \$2000 per month.

Davis inquired if the claimant could provide total amount paid in the 2015 year.

Claimant stated it was provided to the Hearing Officer and wasn't in front of her currently but that she could provide the total amount.

Hansen asked the claimant if the victim had a spotty employment history.

Claimant stated that the victim typically changed jobs every 12 to 18 months. The claimant reiterated that these were typically well paying jobs, the most recent a six figure salary. In addition, addiction issues came out as a result of his death investigation.

Davis inquired of the claimant if there were any questions she hoped the Committee would ask that they haven't.

Claimant stated that she didn't necessarily have any questions, that this is all for her children. She stated that she has one child going into college this year. She stated that she paid for the funeral services for the victim; that she was reimbursed for approximately \$200. Any consideration would be for her children, as there was no insurance, no will. She stated that she did have to get the governor's office involved on several occasions because the State of Nebraska did not step in as quickly as they could have; if they would have garnished him sooner that could have been going toward her son's college expenses, her daughter's dental expenses. She stated that there are a lot of expenses that she wouldn't have had if she would have had that support.

Hansen asked if anyone had any additional questions.

Davis asked the claimant if she could still produce documents regarding any payments from the child support office for 2015.

Claimant stated that she could produce the documentation.

Hansen let the claimant know that the committee would review her testimony and a decision letter would be coming in 10 working days.

A motion was made by Schindler and seconded by Sanders to go into executive session at 1:36 pm. Motion carried by acclimation. An amendment was made to the motion on recommendation of agency legal counsel Stolz to include agency legal counsel and CVR staff members in the executive session at 1:37 pm. Motion carried by acclimation.

A motion was made by Sanders and seconded by Davis to return from executive session at 1:53 pm. Motion carried by acclimation.

A motion was made by Davis and seconded by Sanders at 1:54 pm to deny the appeals and uphold the Hearing Officer's decision, as the victim was not providing more than 50 percent of the support to the minor children at the time of his death according to relevant documentation from the claim.

CVR Budget

At 1:55 pm, Ayers provided an overview of the CVR Budget including appropriations and sources of revenue. Ayers provided an update regarding claim statistics for the previous year vs. this year. Schrader clarified the amount of claims pending at the end of the previous month.

Other Business

Schrader provided the Committee a copy of a thank you note received by CVR staff from the family of a victim helped by the CVR program.

A motion was made by Wachman and seconded by Schindler to adjourn the meeting. The motion carried by acclimation.

There being no further business, the meeting was adjourned at 1:59 pm. The next Crime Victim's Reparations Committee meeting will be held Friday, July 22, 2016 at 1:00 pm in the Crime Commission's conference room at the Nebraska State Office Building, 14th & M Streets, Lincoln, Nebraska.

Respectfully submitted,



Sher Schrader